

AMENDMENT NO. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1552*

House Bill No. 798

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as an appropriately numbered new section:

(a) The general assembly finds and declares that:

(1) Sexual offenders pose a high risk of engaging in further offenses after release from incarceration or commitment, and protection of the public from these offenders is a paramount public interest;

(2) It is a compelling and necessary public interest that the public have information concerning persons convicted of sexual offenses collected pursuant to this chapter to allow members of the public to adequately protect themselves and their children from these persons;

(3) Persons convicted of these sexual offenses have a reduced expectation of privacy because of the public's interest in public safety;

(4) In balancing the offenders' due process and other rights against the interests of public security, the general assembly finds that releasing information about sexual offenders under the circumstances specified in this section will further the primary government interest of protecting vulnerable populations from potential harm;

(5) The registration of sexual offenders and the public release of specified information about sexual offenders will further the governmental

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interests of public safety and public scrutiny of the criminal and mental health systems that deal with these offenders;

(6) To protect the safety and general welfare of the people of this state, it is necessary to provide for continued registration of sexual offenders and for the public release of specified information regarding sexual offenders. This policy of authorizing the release of necessary and relevant information about sexual offenders to members of the general public is a means of assuring public protection and shall not be construed as punitive; and

(7) The general assembly also declares, however, that in making information available about certain sexual offenders to the public, it does not intend that the information be used to inflict retribution or additional punishment on any such sexual offender. While the general assembly is aware of the possibility of misuse, it finds that the dangers to the public of nondisclosure far outweigh the risk of possible misuse of the information. The general assembly is further aware of studies in Oregon and Washington indicating that community notification laws and public release of similar information in those states have resulted in little criminal misuse of the information and that the enhancement to public safety has been significant.

(b)

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(1) By January 1, 1998, the Tennessee bureau of investigation shall convert the information contained on all sexual offender registration/monitoring forms, verification/monitoring forms and acknowledgment forms compiled and maintained pursuant to this chapter to a format that permits such information to be placed on the Internet and accessed by users of the Internet. The information made available for Internet access shall not include the sexual offender's street address and criminal history other than the specific crimes for which the offender was required to register.

(2) By January 1, 1998, the bureau shall place the information prepared pursuant to subpart (1) of this subsection on the state of Tennessee's internet home page. This information shall become a part of the Tennessee Internet Criminal Information Center when such Center is created within the bureau.

(c)

(1) By January 1, 1998, the Tennessee bureau of investigation shall establish and operate a toll-free "1-800" telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline", that members of the public may call and inquire whether a named individual is listed among those who have registered as sexual offenders as required by this chapter. The caller shall furnish his or her first name, middle initial, and last name. The bureau shall ascertain whether a named person reasonably appears to be a person so listed and shall provide the caller with the information contained on the offender's

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registration/monitoring form, verification/monitoring form and acknowledgment form. Provided, however, the bureau shall not disclose the street address or criminal history of a sexual offender listed, except to disclose the county, city and ZIP Code area in which the offender resides, or if the offender does not reside in a city, the county, rural route and ZIP code area where the offender resides, and to describe the specific crimes for which the registrant was required to register.

(2) The bureau shall require sufficient information to determine whether the named person reasonably appears to be a registered sexual offender.

(3) When the Tennessee Internet Criminal Information Center is created within the bureau and becomes operational, a caller, using the same procedure set out in this subpart, may also make inquiry as to any other information compiled for and maintained in such Center.

(e) The Tennessee bureau of investigation shall have the authority to promulgate any necessary rules to implement and administer the provisions of this section. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. Tennessee Code Annotated, Section 40-39-103, is amended by inserting the following between the first and second sentences:

A person who is placed on probation or parole in another state for an offense that would be a sexual offense in this state and who is residing in this state pursuant to the Compact for Out-of-State Supervision codified in Tennessee Code Annotated, Title 40,

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Chapter 28, Part 4, shall be subject to the same registration and monitoring requirements of this chapter as a person placed on probation or parole for a sexual offense in this state.

SECTION 3. Tennessee Code Annotated, Section 40-39-106, is amended by deleting subsection (c) and substituting instead the following:

(c) Except as provided in Section 1 of this act, information contained on sexual offender registration/monitoring forms, verification/monitoring forms, and acknowledgment forms shall be public information, and such information shall be open for inspection by members of the public as provided in Section 1 of this act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all information made public by the provisions of this act that is in the possession of the Tennessee bureau of investigation on this act's effective date as well as any such information received and maintained by the bureau after its effective date.

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